

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN (JACKSON) DIVISION

CANDACE COLLINS

PLAINTIFF

V.

CIVIL ACTION NO. 3:13-cv-343-CWR-FKB

HINDS COUNTY, MISSISSIPPI, ET AL.

DEFENDANTS

REPORT AND RECOMMENDATION

This cause comes on this date on the *sua sponte* motion of the Court to dismiss this cause of action because of Plaintiff's failure to prosecute her claims. *Natural Gas Pipeline Co. v. Energy Gathering, Inc.*, 2 F.3d 1397, 1407 (5th Cir. 1993)(citing *Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962) (a district court has inherent power to dismiss a case *sua sponte* for failure to prosecute despite language of Fed. R. Civ. P. 41(b) requiring a motion by defendant)). Plaintiff failed to properly serve process within 120 days of filing the complaint as required by Fed. R. Civ. P. 4(m). Plaintiff also failed to respond to an Order to Show Cause [2] which required a response from Plaintiff by March 10, 2014. By failing to respond to this Order and failing to properly and timely serve process, Plaintiff has failed to prosecute this case. For these reasons, the undersigned recommends that Plaintiff's claims be dismissed without prejudice for failure to prosecute and failure to properly serve process. Fed. R. Civ. P. 4; Fed. R. Civ. P. 41(b).

The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendation contained within this report and recommendation within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. 28 U.S.C. §636.

Respectfully submitted, this the 14th day of March, 2014.

/s/ F. Keith Ball

UNITED STATES MAGISTRATE JUDGE